

United States Government

Department of Energy

Albuquerque Operations Office

# Memorandum

DATE: November 7, 2000

REPLY TO: LPD

SUBJECT: Work for Others (WFO) for Non Federal Sponsor (NFS), Responding to Federal Solicitations/Acquisitions

TO: Diana Dees, KCAO  
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As you are aware Richard Hopf, Deputy Assistant Secretary for Procurement and Assistance Management, issued July 30, 1997, and October 6, 1997, memorandums outlining DOE policy on DOE Contractors teaming with the private sector that is responding to federal solicitations/acquisitions. The purpose of this correspondence is to reaffirm these policy memorandums and to explain that the AL Manager's December 13, 1991, and July 27, 1994, memorandums, providing guidance on submitting statements of capability to potential NFSs, have been superceded by the Hopf memorandums, and no longer reflect current DOE policy. The current policy is summarized below:

1. DOE Contractors may not participate in the submission or selection process as and offer, team member or subcontractor in response to a federal competitive acquisition/solicitation, such as a Request for Proposal (RFP). This does not preclude a NFS from obtaining the services of the DOE Contractor following award of the grant or contract, and when the WFO requirements are met.
2. DOE Contractors may respond to a Broad Agency Announcement (BAA), or similar solicitation, as either an offeror, team member or subcontractor when the BAA 1) is a general research announcement that is used for the acquisition of basic and applied research ideas to further advance scientific knowledge or understanding rather than focusing on a specific system or hardware solution, 2) the evaluation and selection is performed through a peer or scientific review process based on pre-established selection criteria and proposals need not be evaluated against one another (head-to-

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head competition) as is the case for RFPs, and 3) the primary basis for selection is technical approach, importance to the agency, and funds availability. A Program Research and Development Announcement (PRDA) is similar to a BAA in this regard.

To avoid possible misunderstandings between the NFS and the soliciting federal agency, on the DOE Contractor's participation in a response to a federal solicitation/acquisition, and possible grounds for a protest by other offerors, potential WFO NFSs should be made aware that a DOE Contractor may not participate as a team member or subcontractor in a response to a federal competitive solicitation/acquisition.

Please call me at (505) 845-5172 or Bob Davidson at (505) 845-4310 if you have any questions or require additional information.



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